

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

GORDON H. WHITE,	)	
	)	8:05CV501
Plaintiff,	)	
	)	SECOND AMENDED ORDER
v.	)	SETTING FINAL SCHEDULE
	)	FOR PROGRESSION OF CASE
UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

This matter is before the court following a telephone conference with counsel on July 6, 2007. James R. Welsh and James E. Connor represented the plaintiff. Assistant U.S. Attorney Robert L. Homan represented the defendant. The defendant orally moved to amend the progression order because the defendant's expert witness discovered a possible conflict of interest and time would be required to secure a substitute expert witness. The defendant further requested additional time to investigate alleged discrepancies in the plaintiff's medical history. Counsel for the plaintiff had no objection to an extension of the progression of the case.

**IT IS ORDERED:**

1. The oral motion of the defendant is granted and the case will be reprogressed as set forth below.
2. **Deposition Deadline.** All depositions, whether or not they are intended to be used at trial, shall be completed by **November 30, 2007.**
3. **Pretrial Disclosures.** Pursuant to Fed. R. Civ. P. 26(a)(3), each party shall serve opposing counsel and file a redacted version as applicable with the following information regarding the evidence it may present at trial other than solely for impeachment purposes as soon as practicable **but not later than the date specified:**

a. **Witnesses - On or before November 1, 2007:** The name, address and telephone number<sup>1</sup> of each witness, separately identifying those whom the party expects to present and those whom the party may call if the need arises.

b. **Deposition Testimony and Discovery** - In accordance with NEGenR 1.1(c), unless otherwise ordered, the requirement of NECivR 16.2(a)(2)(F), of designating discovery intended to be utilized at trial, is suspended for this case; motions to require such designations may be filed not later than fifteen days prior to the deposition deadline.

c. **Trial Exhibits - On or before December 7, 2007:** A list of all exhibits it expects to offer by providing a numbered listing and permitting examination of such exhibits, designating on the list those exhibits it may offer only if the need arises.

**Waiver of Objections:** Any and all objections to the use of the witnesses, deposition testimony, discovery responses, or exhibits disclosed pursuant to the above subparagraphs, including any objection pursuant to Fed. R. Civ. P. 32(a) that a deponent is available to testify at the trial shall be made a part of the pretrial order. Failure to list objections (except those under Fed. R. Evid. 402 and 403) is a waiver of such objections, unless excused by the court for good cause shown.

4. **Motions in Limine.** Any motions *in limine* shall be filed on or before **December 10, 2007**.

5. **The Final Pretrial Conference** with the undersigned magistrate judge is set for **December 14, 2007 at 10:00 a.m.** in chambers, Suite 2271, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska.

8. **Trial** is set to commence, at the court's call, during the week of **January 22, 2008**, in Omaha, Nebraska, before the Honorable Joseph F. Bataillon.

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<sup>1</sup> In accordance with the E-Government Act, counsel shall, on witness lists, exhibits, and other disclosures and/or documents filed with the court, redact social security numbers, home addresses, phone numbers, and other personally identifying information of witnesses, but shall serve an unredacted version on opposing parties

7. **Motions to alter dates.** All requests for changes of deadlines or settings established herein shall be directed to the magistrate judge by appropriate motion, including all requests for changes of trial dates. Such motions shall not be considered in the absence of a showing by counsel of due diligence in the timely development of this case for trial and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 10th day of July, 2007.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge